

**U.S. ENVIRONMENTAL PROTECTION AGENCY
INITIAL POLREP**

DATE: 25 OCT 2004

FROM: Brook Bass, On-Scene Coordinator
ERRB - Region IV

TO: RRC Region IV
Shane Hitchcock, Branch Chief
Don Rigger, Section Chief
USCG Funds Center
ADEM

I. GENERAL SITE INFORMATION

FPN: E05401
Site Name: Braught Trucking Oil Spill
Street Address: Hwy 78 at Flat Top Road
City, County, State: Graysville, Jefferson County, AL
Response Authority: OPA-90
NPL Status: Non-NPL
Incident Category: Time-Critical
Site ID Number: None

II. BACKGROUND INFORMATION

- A. Type of facility or Site:** Ruptured saddle tanks on tractor trailer.
- B. Site description:** On 25 OCT 04 a tractor trailer released approximately 200 gallons of diesel when the saddle tanks were ruptured during a traffic accident at Hwy 78 and Flat Top Rd. A portion of the fuel drained into a BellSouth manhole while the remainder traveled into a storm drain that discharges into Coal Creek, a tributary of Five Mile Creek.

III. RESPONSE INFORMATION

- A. Actions Taken:** ADEM identified the responsible party as Braught Trucking, the company that leased the tractor trailer from Theodore Cook. Both ADEM and EPA Duty Officer, OSC Bass, made attempts to notify Theodore Cook, owner of the damaged truck, of his potential liability. The responsible party would not assume responsibility for the cleanup and ADEM requested EPA's assistance in accessing the National Oil Pollution Fund to conduct a response to the oil discharge. OSC Bass directed the response to obtain the following goals:
- contain the oil by deploying booms, absorbent pads, etc.;
 - recover oil from the manhole, storm drainage system and creek;

- excavate contaminated soil along the drainage pathway;
- dispose of contaminated soil and debris.

James Couch is conducting oversight of the contractor, USES, as the SOSC at the scene of the incident. Paul Rogers of ADEM will be coordinating activities related to the PRFA.

- B. Future Actions:** Continue to conduct the above goals until all contaminated soil and debris have been disposed in an approved landfill.

IV. ESTIMATED COSTS:

USES, contracted by ADEM, has estimated the costs not to exceed \$10,000.

V. CONTACTS

NAME	AGENCY/ORG	PHONE NO.	ROLE
Brook Bass	EPA	404-562-8705	FOSC
James Couch	ADEM	205-438-1080	SOSC
Paul Rogers	ADEM	205-942-6168	SOSC
Theodore Cook		205-533-5533	PRP
	USES		Response Contractor

**U.S. ENVIRONMENTAL PROTECTION AGENCY
FINAL POLLUTION REPORT**

DATE: December 09, 2004

SUBJECT: AL Hwy 78 and Flat Top Rd. accident, NRC# 739426

FROM: Brook Bass, OSC
USEPA Region 4

TO: S. Hitchcock, EPA
D. Rigger, EPA
Region 4, RRC
Bob Smith, USCG

I. BACKGROUND

FPN#:	E05401
Project Ceiling:	\$10,000
Lead Agency:	EPA, Region 4, ERRB
NPL:	No
Funding:	OPA
Lead OSC:	Brook Bass
Party Conducting Action:	ADEM under PRFA

II. SITUATION

Date of Notification:	October 25, 2004
Date Action Started:	October 25, 2004
Pollutant:	Diesel Fuel
Quantity Discharged:	200 gallons
Substantial Threat:	Minor
Surface Water:	Coal Creek
Source Identification:	Saddle tanks from tractor trailer

III. ACTIONS TAKEN

On October 25, 2004, approximately 1000 hours, John Griscom (Jefferson County EMA) notified ADEM personnel of a traffic accident involving two tractor trailer trucks which released approximately 200 gallons of diesel fuel onto the asphalt pavement and median of AL Hwy 78 in Graysville, AL.

On October 25, 2004, approximately 1030 hours, ADEM personnel arrived on scene. Present on scene were John Griscom, Jim Brumback (Williams Bridge Co. - Owner of freight on the Cook truck), David Hood (Director of Operations for Hagar Oil Company- the other truck involved in the accident), AL State Troopers White and Porter from the Birmingham post, J. J. Davis (Bellsouth), and representatives from East Walker Wrecker Service.

Upon a cursory inspection of the site, ADEM personnel located a storm water inlet in the roadway median that led to Coal Creek, a tributary of Village Creek, approximately 100 yards down gradient from the accident site. ADEM personnel on scene made contact with Thurman Cook (owner of the truck) multiple times and Mr. Cook refused to take responsibility for the spilled fuel. ADEM personnel on scene also contacted officials with Vaught Transfer Company Inc. (lessee) and they too refused to take responsibility for the spilled fuel. East Walker County Wrecker Service had been contracted by Williams Bridge Company to remove the truck and the freight officials with Williams Bridge also agreed to have East Walker County Wrecker Service conduct the environmental clean-up of the scene. Approximately 1300 hours, the truck was removed and a BellSouth manhole was discovered under the wreckage. Diesel fuel was observed on the surface of water in the manhole. East Walker County Wrecker Service determined that they were not capable of conducting the clean-up of this site. Williams Bridge Company also indicated that they did not want to take responsibility for continuing the clean-up of the site. At 1530 ADEM off-site personnel again made multiple attempts to contact Mr. Cook with no cooperation. Mrs. Cook provided ADEM personnel the number of their attorney, Stewart Springer. ADEM officials attempted to contact Mr. Springer but were unable. Approximately, 1600 hours ADEM off-site personnel contacted EPA Region IV OSC Brook Bass. OSC Bass also made unsuccessful attempts to contact Mr. Cook and his attorney, Mr. Springer. ADEM off-site personnel requested a PRFA be established so that a quick response and site mitigation action could occur. EPA OSC established an FPN with District 8 of the USCG.

ADEM off-site personnel contacted Kenny Owen with United States Environmental Services, LLC. At 1815 hours, Mr. Owen of USES arrived on scene with two technicians. At 2230 hours the USES vacuum truck arrived on scene and removed 200-300 gallons of diesel contaminated water from the Bellsouth manhole located in the median and from puddles in the median. By 2330 hours 15 cubic yards of diesel contaminated soil had been excavated and secured on site by USES personnel. USES personnel returned to the spill site on October 26, 2004 and loaded the excavated soil into a roll-off which was transported to the USES facility in Alabaster, AL to await ADEM solid waste profile. The final disposal took place at the Onyx Star Ridge Facility (Permit # 58-05). The material vacuumed from the scene was recycled at Allied Energy Corporation located in Birmingham, AL.

IV. POSSIBLE RESPONSIBLE PARTIES

The truck that released the diesel was owned by Thurman F. Cook (205-681-3334, 205-533-5533), 416 Kiowa Road, Remlap, AL 35133, USDOT number 1211122. The truck was being leased to and operated by Vaught Transfer Company Inc. (540-635-9819, 540-636-3292), 410 Bowman Road, Front Royal, VA 22630, USDOT number 799485.

V. COST INFORMATION

ADEM Personnel:	\$805.69
ADEM Equipment:	\$18.36
Contractor:	\$5,599.84
Other Materials/Supplies:	\$00.00
Total Project Cost:	\$6,423.89